GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:1637
ANSWERED ON:12.12.2003
CORRUPTION IN JUDICIARY
ADHIR RANJAN CHOWDHURY;BHASKAR RAO PATIL;CHARAN DAS MAHANT;NARESH KUMAR PUGLIA;SHYAMA SINGH

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government are aware that the Judicial corruption in the country is on the increase;

(b) if so, the details thereof and the reasons therefor;

(c) whether some Judicial experts stressed the need to check such corrupt practices in judiciary; and

(d) if so, the reaction of the Union Government thereto?

Answer

MINISTER OF STATE FOR LAW & JUSTICE (SHRI P.C. THOMAS)

(a) & (b) : Allegations of deviant behaviour involving acts of corruption and moral turpitude against some members of Judicial Service of the States and some Judges of High Courts have come to the notice of the Government. However, it may not be appropriate to say that judicial corruption in the country is on the increase.

(c) & (d) : Various suggestions from different quarters are received from time to time regarding corruption and malpractices in Judiciary. Even the National Commission to Review the Working of the Constitution has recommended that a permanent Judicial Committee, comprising the Chief Justice of India and two senior most Judges of the Supreme Court of India, be empowered to examine complaints of deviant judicial behavior of Judges of the Supreme Court and the High Courts.

Taking these into account, the Constitution (Ninety-Eighth Amendment) Bill, 2003, has been introduced in the Lok Sabhaon 9.5.2003 for setting up of National Judicial Commission which would inter-alia draw up a Code of Ethics for the higher judicial echelon. The Commission shall also inquire into, suo-moto or on a complaint or reference, cases of misconduct or such deviant behaviour of a Judge, other than those calling for his removal, and advise the Chief Justice of India or the Chief Justice of the High Court appropriately after such inquiry.

As regards the Subordinate Judiciary, under article 235 of the Constitution of India, the administrative control over the members of Subordinate Judicial Service vests with the concerned High Court. Therefore, the disciplinary control in respect of judicial officers of District/Sessions Courts lies with the concerned High Court. The Central Government does not maintain any statistical data on this.